



RESPONSE TO FINAL REJECTION
Expedited Procedure
Group Art Unit 1615

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

ENGEL et al.

Group Art Unit: 1615

Appln. No.: 09/333,256

Examiner: S. TRAN

Filed: June 15, 1999

Title: CYCLOPHOSPHAMIDE FILM-COATED TABLETS

October 15, 2002

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RESPONSE TO FINAL REJECTION

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

This is in response to the final official action dated April 15, 2002, wherein the claims 1-3 were rejected under 35 U.S.C. §102(e) and claims 1-6 were rejected under 35 U.S.C. §103(a). This response is timely filed as it is accompanied by a petition for an extension of time to file in the third month and the requisite fee. This response is also accompanied by a notice of appeal. The applicants respectfully traverse the outstanding rejections as follows.

REMARKS

The examiner again rejected claims 1-3 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 5,905,149 (hereinafter Battistini '149). The examiner asserted that the cited document discloses a film-coated tablet composition comprising diluents (*e.g.*, lactose, corn starch, or cellulose), lubricants (*e.g.*, magnesium stearate, silica), and binding agents (*e.g.*, starches or cellulose). The examiner also asserted that the composition further comprises cyclophosphamide.